

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
MINUTES OF PUBLIC MEETING
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
April 14, 2015 - 9:00 A.M.

PRESENT: COMMISSIONER LARRY A. ELLERTSON, CHAIR
COMMISSIONER WILLIAM C. LEE, VICE-CHAIR
COMMISSIONER GREG GRAVES

ALSO PRESENT:

David Shawcroft, Civil Division Chief Deputy Attorney	James O. Tracy, Utah County Sheriff
Robert J. Moore, Utah County Deputy Attorney	Darin Durfey, Utah County Sheriff's Office
Paul Jones, Utah County Deputy Attorney	Dalene Higgins, Utah County Sheriff's Office
Chris Buckley, Utah County Attorney's Office	Erik Knutzen, Utah County Sheriff's Office
Bryan E. Thompson, Utah County Clerk/Auditor	BreAnn Wilkes, Utah County Sheriff's Office
Julie Rollins, Utah County Purchasing Agent	Kim T. Jackson, Utah County Treasurer
Brian Voeks, Utah County Commission Office	Mark Sorenson, Payson City
Jim Stevens, Utah County Assessor's Office	Larry Ballard, Utah County Resident
Bryce Armstrong, Community Development	Helina Carter-Thomas, Utah County Resident
Peggy Kelsey, Community Development	Kenyon Farley, Kenyon Farley Orchards
Joshua K. Ivie, Community Development	Garrick Hall, Utah Farm Bureau
Dr. Joseph K. Miner, Health Department Exec. Director	Brett Herbst, BNH Properties LLC
Steve Mickelson, Utah County Health Department	Julie Blaney, -No further information given-
Richard Nance, Drug & Alcohol Prevention & Treatment	Michal Gay Carter, -No further information given-
Rebecca Martell, Children's Justice Center	Dale Saunders, -No further information given-
Lana Jensen, Utah County Personnel Director	Greg Saunders, -No further information given-
Jane Ivie, Personnel Office	David Tuckett, Payson Resident
Richard Nielson, Utah County Public Works Director	Danielle Downs, <u><i>The Daily Herald</i></u>
Jeff Smith, Utah County Recorder	Mike Stansfield, Fairways Media
Gary Ratcliffe, Utah County Surveyor	Renée Huggins-Caron, Clerk/Auditor Admin. Assist.

Commissioner Ellertson called the meeting to order at 9:04 A.M. and welcomed those present. The following matters were discussed:

PRAYER/READING/THOUGHT: Richard Nielson, Utah County Public Works Director

PLEDGE OF ALLEGIANCE: James O. Tracy, Utah County Sheriff

PUBLIC COMMENTS

There were no public comments, and the commissioners moved forward with the agenda as scheduled.

CONSENT AGENDA

1. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE STATE OF UTAH - VICTIMS OF CRIME ACT (VOCA) GRANT APPLICATION FOR THE UTAH COUNTY CHILDREN'S JUSTICE CENTER, CHILD ABUSE TREATMENT PROGRAM**
2. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE STATE OF UTAH - VICTIMS OF CRIME ACT (VOCA) GRANT APPLICATION FOR THE UTAH COUNTY CHILDREN'S JUSTICE CENTER VICTIM ASSISTANCE PROGRAM**

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3. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE STATE OF UTAH - VICTIMS OF CRIME ACT (VOCA) GRANT APPLICATION FOR THE UTAH COUNTY CHILDREN'S JUSTICE CENTER, FAMILY JUSTICE CENTER PROGRAM**
4. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE STATE OF UTAH - VICTIMS OF CRIME ACT (VOCA) GRANT APPLICATION FOR THE UTAH COUNTY CHILDREN'S JUSTICE CENTER SPANISH-SPEAKING VICTIM ASSISTANCE PROGRAM**
5. **ACKNOWLEDGE UTAH COUNTY'S PART REGARDING THE SOUTH OQUIRRH CWMA (COOPERATIVE WEED MANAGEMENT AREA) GRANT AGREEMENT BETWEEN UTAH COUNTY AND TOOELE COUNTY TO INVOICE IN THE AMOUNT OF \$2,000.00 FOR LABOR AND MATERIALS FOR SOUTH OQUIRRH WEED CONTROL PROJECT**
6. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT BETWEEN UTAH COUNTY AND WOODHOUSE AVIATION FOR AIRCRAFT MAINTENANCE**
7. **APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY ASSESSOR'S OFFICE IN CANCELLATION AND CORRECTION LETTER NO. 60323, DATED APRIL 9, 2015**
8. **ABATE PERSONAL PROPERTY ACCOUNTS ATTACHED FOR THE YEARS INDICATED, HAVING BEEN IDENTIFIED AS UNCOLLECTIBLE; THERE ARE NO ASSETS AVAILABLE**
9. **APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY TREASURER'S OFFICE IN CANCELLATION LETTER NO. 20329, DATED APRIL 8, 2015**
10. **APPROVE PROPERTY TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER NO. 2015-6**
The Board requested Consent Agenda Item No. 10 be moved to the Regular Agenda for discussion.
PULLED TO REGULAR
11. **ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO THE UTAH COUNTY HEALTH DEPARTMENT AND THE SENIOR COMPANION PROGRAM**
12. **APPROVE THE MINUTES OF THE MARCH 24, 2015 COMMISSION MEETING**
The Board suggested this item be stricken from the agenda.
STRICKEN

13. **RATIFICATION OF WARRANT REGISTER SUMMARY**

Register No. 388	April 06, 2015	Direct Deposit:21803-21807	Total: \$	1,438.69
Register No. 389	April 06, 2015	Purchasing Cards 4641-4642	Total: \$	220.99
Register No. 390	April 06, 2015	Purchasing Cards 4643-4672	Total: \$	5,100.34
Register No. 391	April 06, 2015	Check Nos. 206204-206236	Total: \$	28,495.98
Register No. 392	April 07, 2015	Check Nos. 206237-206238	Total: \$	4,515.59
Register No. 393	April 07, 2015	Purchasing Cards 4673-4674	Total: \$	1,996.48
Register No. 394	April 07, 2015	Purchasing Cards 4675-4679	Total: \$	217.50
Register No. 395	April 07, 2015	Check Nos. 206239-206270	Total: \$	183,186.33
Register No. 396	April 08, 2015	Direct Deposit:21808-21821	Total: \$	4,326.31
Register No. 397	April 08, 2015	Check Nos. 206271-206296	Total: \$	313,500.84
Register No. 398	April 09, 2015	Wires: 404-405	Total: \$	182.88
Register No. 399	April 09, 2015	Purchasing Cards 4680-4682	Total: \$	1,920.28
Register No. 400	April 09, 2015	Purchasing Cards 4683-4684	Total: \$	433.00

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Register No. 401	April 09, 2015	Check Nos. 206297-206299	Total: \$ 6,141.33
Register No. 402	April 09, 2015	Check Nos. 206300-206361	Total: \$ 115,919.42
Register No. 403	April 09, 2015	Direct Deposit:21822-21824	Total: \$ 76.76
Register No. 404	April 10, 2015	Check Nos. 206362-206365	Total: \$ 3,969.00
			<u>Total: \$ 671,641.72</u>

Consent Agenda Item Nos. 1 through 9, 11, and 13 were approved as written. Commissioner Ellertson recommended the following Regular Agenda items be moved to Consent:

6. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT FOR SOFTWARE LICENSING AND SUPPORT FOR ELECTRONIC MEDICAL RECORDS AND MEDICAL CLAIMS BILLING WITH ECLINICALWORKS**
7. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH NEBO SCHOOL DISTRICT TO PROVIDE SCHOOL NURSES**
8. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH PROVO SCHOOL DISTRICT TO PROVIDE SCHOOL NURSES**
9. **RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON THE QUALIFIED SERVICE ORGANIZATION AGREEMENT/HIPAA BUSINESS ASSOCIATE ADDENDUM WITH CREDIBLE WIRELESS INC. TO SECURE THE CONFIDENTIALITY OF ALL RECORDS AND DEFINE THE SCOPE OF USE/DISCLOSURE OF PROTECTED HEALTH INFORMATION**
10. **APPROVE AND AUTHORIZE THE UTAH COUNTY CLERK/AUDITOR TO SIGN A QUIT CLAIM DEED TO CHAEL PROPERTIES LLC, CORRECTING A DEED FROM LAND PURCHASE REFERENCED IN AGREEMENT NO. 2014-715**
11. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE SOUTH FORK TRAIL AGREEMENT WITH PROVO CITY, AND AUTHORIZE THE UTAH COUNTY CLERK/AUDITOR TO SIGN A QUIT-CLAIM DEED TO PROVO CITY, FOR A PARCEL OF GROUND NEAR VIVIAN PARK TOTALING 0.88 ACRES**

The Board suggested this item be stricken from the agenda.

STRICKEN

13. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE STATE OF UTAH FY2016 VOCA GRANT APPLICATION FOR THE SHERIFF'S OFFICE VICTIM ADVOCATE PROGRAM**
14. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A NEW STATE OF UTAH VOCA GRANT FOR A BILINGUAL ADVOCATE POSITION**
16. **RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON STATE OF UTAH FY2015 VOCA VICTIM ASSISTANCE PROGRAM GRANT APPLICATION**

ACTIONS TAKEN

Consent Agenda Item Nos. 1 through 4, and 6, were approved and authorized; No. 5 was acknowledged; Nos. 7 and 9 were approved; No. 8 was abated; No. 10 was tabled for further discussion; No. 11 was adopted; No. 12 was stricken from the agenda; and No. 13 was ratified.

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Regular Agenda Item Nos. 6, 7, 8, 10, 13 and 14 were **approved and authorized**; Nos. **9 and 16** were **ratified**; and No. **11** was **stricken** from the agenda.

AGREEMENT NOS.: 2015-189, 2015-190, 2015-191, 2015-192, 2015-193, 2015-194, 2015-195, 2015-196, 2015-197, 2015-198, 2015-199, 2015-200, 2015-201, 2015-202, 2015-203, 2015-204 and 2015-205
RESOLUTION NO.: 2015-55

REGULAR AGENDA

(PULLED TO REGULAR)

10. APPROVE PROPERTY TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER NO. 2015-6
Commissioner Ellertson mentioned he had questions regarding three of the actions within the Recommendation Letter, specifically related to Parcel Serial Nos. 08:141:0018 (Peterson), 19:025:0195 (Melville), and 66:283:0081 (Bridges). He suggested continuing a decision on those three items to a future meeting of the Board, and approving the letter with those exceptions.

Commissioner Graves made the motion to approve the Property Tax actions contained in Recommendation Letter No. 2015-6, with the changes as discussed in Consent Agenda Item No. 10. The motion was seconded by Commissioner Lee and carried with the following vote:

AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None

AGREEMENT NOS. 2015-206, 2015-207, and 2015-207(A)
APPROVED WITH CHANGES

REGULAR AGENDA

1. APPROVE EMPLOYEE DONATIONS OF LEAVE TIME FOR TWO EMPLOYEES WITHIN THE RECORDER'S OFFICE

Utah County Personnel Director Lana Jensen clarified for Commissioner Lee that the rate of pay is translated from the donor hours to the correct salary for the recipient - taxes and other deductions would be calculated in the same manner.

Commissioner Lee made the motion to approve the employee donations of leave time for two employees within the Recorder's Office as specified in Regular Agenda Item No. 1. The motion was seconded by Commissioner Graves and carried with the following vote:

AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None

APPROVED

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The commissioners chose to address Regular Agenda Item Nos. 2 through 5 simultaneously, as they are directly related.

2. **APPROVE, MODIFY AND APPROVE, OR REJECT THE KENYON FARLEY AGRICULTURE PROTECTION AREA 1 APPLICATION WITH THE PROPOSED MODIFICATIONS LOCATED IN SECTION 30, T9S, R2E, SLB&M, IN THE SPRING LAKE AREA** *(Continued from the March 24, March 31, and April 7, 2015 Commission meetings)*

AGREEMENT NO. 2015-208

APPROVED WITH MODIFICATIONS; SEE MOTION.

3. **APPROVE, MODIFY AND APPROVE, OR REJECT THE KENYON FARLEY AGRICULTURE PROTECTION AREA 2 APPLICATION WITH THE PROPOSED MODIFICATIONS LOCATED IN SECTION 30, T9S, R2E, SLB&M, IN THE SPRING LAKE AREA** *(Continued from the March 24, March 31, and April 7, 2015 Commission meetings)*

AGREEMENT NO. 2015-209

APPROVED WITH MODIFICATIONS; SEE MOTION.

4. **AUTHORIZE THE COMMISSION CHAIR TO SIGN THE “NOTICE OF CREATION” DOCUMENT AND AUTHORIZE THE BOARD OF COMMISSIONERS OF UTAH COUNTY TO SIGN THE “FINDINGS OF FACT” DOCUMENT FOR THE KENYON FARLEY AGRICULTURE PROTECTION AREA 1 APPLICATION, LOCATED IN SECTION 30, T9S R2E, SLB&M, IN THE SPRING LAKE AREA**

AGREEMENT NO. 2015-210

APPROVED WITH MODIFICATIONS; SEE MOTION.

5. **AUTHORIZE THE COMMISSION CHAIR TO SIGN THE “NOTICE OF CREATION” DOCUMENT AND AUTHORIZE THE BOARD OF COMMISSIONERS OF UTAH COUNTY TO SIGN THE “FINDINGS OF FACT” DOCUMENT FOR THE KENYON FARLEY AGRICULTURE PROTECTION AREA 2 APPLICATION, LOCATED IN SECTION 30, T9S R2E, SLB&M, IN THE SPRING LAKE AREA**

AGREEMENT NO. 2015-211

APPROVED WITH MODIFICATIONS; SEE MOTION.

Peggy Kelsey of the Utah County Community Development Office came forward with Utah County Deputy Attorney Robert J. Moore to answer questions. Commissioner Ellertson summarized Regular Agenda Item Nos. 2, 3, 4, and 5 all addressing a request for an agriculture protection area, submitted by Kenyon Farley. Payson City has requested the right-of-way for a future power line be excluded from the protected area, and Utah County has made a similar request to exclude a planned road from the agriculture protection area. All parties have been attempting to reach a compromise, which is being presented as a restrictive covenant agreement. Mr. Moore explained the restrictive covenant agreement would need to be signed by Mr. Farley as well as the BNH Properties LLC representative in order to receive all protections associated with land contained within an agriculture protection area, with two exceptions: eminent domain and state development projects.

Robert Moore went on to clarify that Kenyon Farley and the other property owners within the agriculture protection area would benefit from protection against nuisance complaints, annexation petitions, and other issues. Commissioner Ellertson added that the eminent domain exception would only pertain to the specific portions identified through the requests made by Payson City and Utah County. Mr. Moore explained how the restrictive covenant is binding for future property owners, and will be included on the deed to notify buyers. He detailed protections for appraisal related to eminent domain, and Commissioner Ellertson reiterated that condemnation would be a final effort after all negotiations have been attempted. Mr. Moore confirmed, and noted the entire protection area would be forfeited if the restrictive covenant were to be declared null and void. He also mentioned that the bank or mortgage company for the property in question would need to sign the contract if applicable.

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Commissioner Lee asked whether similar measures have previously been taken for agriculture protection areas. Robert Moore stated not to his knowledge, repeating this restrictive covenant is the middle ground between granting the full protection area and accepting the requested exemptions. When Commissioner Lee asked whether this agreement would be upheld in a court of law, Mr. Moore responded yes, but also reminded the Board that a court can challenge the protection area even without the covenant. Commissioner Lee expressed this contract seems to negate previous discussions regarding "good faith" negotiations, and Mr. Moore countered that it more appropriately ensures both sides will negotiate fairly. Without the restrictive covenant, there is no motivation for the property owners to seek a solution with Payson City or Utah County.

Peggy Kelsey noted agriculture protection areas are reviewed every twenty years for viability. Robert Moore spoke about the potential for a road within the next thirty years, mentioning a previous case which underwent a similar process with the Utah Department of Transportation (UDOT) for Interstate-15 reconstruction. He pointed out that needs are changing, and Commissioner Lee responded that is subjective. Commissioner Lee asked about the ratio between development actively being stopped by agriculture protection areas compared to property owners willing to work with government entities, mentioning the restrictive covenant is unnecessary. Mr. Moore responded the simplest solution would be to deny the agriculture protection area altogether, reiterating the contract is a compromise for all parties.

Robert Moore detailed the process for acquiring easements if an agriculture protection area is granted with no exceptions. Commissioner Graves noted the benefit of a contract tied to the property in case future owners are not as willing to negotiate. Commissioner Lee pointed out the Board has repeatedly stated they are friendly towards agriculture, but this restrictive covenant is stepping in the opposite direction of that statement. Commissioner Ellertson disagreed, explaining this is the middle ground. Mr. Moore added Utah County is putting itself at a disadvantage if the protection area is approved without this covenant. When Commissioner Lee asked how often this situation arises, Mr. Moore reminded the Board this is unique because of the road already planned for this section before the protection area application was submitted. When Commissioner Lee stated he would rather the property owner have an advantage in negotiations, Commissioner Ellertson reminded the Board that they have a duty to the general public as well as individuals.

Utah County Civil Division Chief Deputy Attorney David Shawcroft commented on the process for agriculture protection areas and involvement of the Utah County Planning Commission and the Utah County Agriculture Protection Advisory Board. Commissioner Graves noted again that the restrictive covenant serves the applicant, since without it the Board may choose to deny the agriculture protection area or approve it with the exemptions requested by Payson City and the county. Robert Moore commented on the court process in cases where the property owner refused to compromise.

Kenyon Farley came forward and thanked the commissioners for taking the time to review and consider all angles of the issue. Mr. Farley clarified that his agriculture protection area application was first submitted in September 2014, but needed revision and was re-submitted in December 2014 - a letter from Payson City notifying residents about the potential power line was distributed at the end of October 2014. Mr. Farley stated he is not trying to use agriculture protection as a way to "beat" or hoodwink Payson City. Based on growth, cities will expand and agriculture will shrink. Payson and Santaquin City have been going back and forth over city plans for years, and in this case, Mr. Farley has ended up right in the middle of their tug-of-war. Mr. Farley suggested the proposed power line is an informal fence by Payson to prevent the expansion of Santaquin. Mr. Farley reviewed the qualifying factors for agricultural protection and asked the Board to follow policy since he meets all requirements.

Kenyon Farley commented on the argument of agriculture versus development, stating there is no huge conflict as suspected by many. Mr. Farley also disagrees with several points of the restrictive covenant, such as the signature from his mortgage company and the implication that he can bind future owners to certain actions regarding their property. Mr. Farley expressed this agreement infringes on his rights, and asked the Board to consider how important open area is to the community.

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Commissioner Lee noted that Payson City and Santaquin City have overlapping annexation plans, and Kenyon Farley's property is included in both. They discussed the incoming power line, and Mr. Farley expressed willingness to negotiate with the entities. Commissioner Ellertson acknowledged Mr. Farley's optimism but reiterated that the agreement must follow the land, not just the current owner. The Board and Mr. Farley continued to discuss the purpose of the restrictive covenant.

Brett Herbst owns property north of the Kenyon Farley property; he approached the bench to concur with Mr. Farley. Mr. Herbst spoke about the right-of-way for 12000 South compared to 12400 South, stating it would not be as encumbering if placed on 12000 South. Mr. Herbst commented that no one can predict the future, but it is important to remember the definition of progress is not to remove agriculture. Mr. Herbst does not object to signing the agreement because he considers it a compromise for all parties.

Utah County resident Larry Ballard approached the bench to comment on issues with the Mountainland Association of Governments (MAG) and Metropolitan Planning Organization (MPO). He applauds the Utah County Community Development Office staff as well as the Board for addressing property and community rights for a population which is expected to double by the year 2040. Mr. Ballard expressed that issues like pollution which come with increased population are overcome in the agricultural areas; widening roads and placing power lines in rural communities is counterproductive - the emphasis should be on agriculture. It is good planning and zoning to be able to produce food where we live.

Garrick Hall of the Utah Farm Bureau is in favor of agricultural protection areas, which are designed to preserve open space, and not to create division between landowners and counties or cities. If the easements will be needed when growth occurs, the matter should be addressed at that time. Since review of the area will take place in twenty years, it can be determined at that time that the land is needed more for development. Commissioner Ellertson clarified that any action which takes place today is to help agriculture. Mr. Hall stated he understands, but also pointed out this application is not receiving the same treatment as other protection areas in that same neighborhood.

Peggy Kelsey confirmed the timeline of Kenyon Farley's application compared to notices from Payson City regarding the proposed power line. Robert Moore explained the legal action which would need to take place for these agenda items, and they discussed with the Board the various possible findings and variations of the proposed restrictive covenant.

Regular Agenda Item No. 2: Kenyon Farley Agriculture Protection Area 1 Application -

Commissioner Lee made the motion to approve the Kenyon Farley Agriculture Protection Area 1 application as submitted, *approving* the proposed modifications of additional neighboring properties, and *denying* the requested exemptions for Payson City and Utah County. The motion died for lack of a second.

Regular Agenda Item No. 2: Kenyon Farley Agriculture Protection Area 1 Application -

Commissioner Graves made the motion to *modify* and approve the Kenyon Farley Agriculture Protection Area 1 application, *approving* the proposed modifications of additional neighboring properties, and also *approving* the requested exemptions from Payson City and Utah County as recommended by staff and the Utah County Planning Commission.

Because there was lack of a second, Commissioner Ellertson briefly suspended Robert's Rules of Order for the purpose of seconding this motion.

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The motion was seconded by Commissioner Ellertson, and discussion continued.

Peggy Kelsey clarified for the record that if the carve-out sections for Payson City and Utah County are approved, Farley Area 1 will be divided into two sections. The south section would need to be approved first because the northern area would be less than forty acres, and would be dependent on approval of the southern area. The north section can then be approved with a variance. Commissioner Graves acknowledged and amended his motion accordingly.

Commissioner Ellertson asked Kenyon Farley some questions to clarify the necessity of a restrictive covenant. The commissioners, David Shawcroft, Robert Moore, and Mr. Farley continued to discuss the rights-of-way and possible alternative solutions, and the impending final deadlines. Mr. Farley insisted that the bank not be included in any way, and the attorneys insisted on that requirement. Mr. Farley repeated his objection to an agreement which is tied to the land rather than himself as an individual owner and discussion continued.

Commissioner Lee summarized the current motion as a decision in “which side of the cliff to jump off:” either the agriculture protection area is approved with the exception of the requested sections from Payson City and Utah County, or the agriculture protection area is approved with a restrictive covenant voiding the enhanced eminent domain protection for those same requested sections. Peggy Kelsey clarified that if no action is taken by Friday, April 17, 2015, the original application is legally approved by default - this would not include any modifications, such as the additional neighboring land or the requested governmental entity exemptions.

Regular Agenda Item No. 2: Kenyon Farley Agriculture Protection Area 1 Application -

Commissioner Lee made a substitute motion to approve the *original* Kenyon Farley Agriculture Protection Area 1 application, *denying* the proposed modifications of additional neighboring properties, and *denying* the requested exemptions for Payson City and Utah County. The motion died for lack of a second.

When Commissioner Graves commented on the proposed road width, Payson City Attorney Mark Sorenson came forward to clarify details. Kenyon Farley commented on the Planning Commission decision and new members, and reiterated some of his earlier points. The Board members spoke amongst themselves, the attorneys, and with Mr. Farley.

Regular Agenda Item No. 2: Kenyon Farley Agriculture Protection Area 1 Application -

Commissioner Graves made a substitute motion to *modify and approve* the Kenyon Farley Agriculture Protection Area 1 application, *approving* the proposed modifications of additional neighboring properties subject to a restrictive covenant addressing the requested exemptions for Payson City and Utah County to be signed by Wednesday April 15, 2015 at 5:00 P.M.; otherwise, without said restrictive covenant, the approval of the application will revert to *approving* the proposed modifications of additional neighboring properties and *approving* the requested exemptions from Payson City and Utah County as recommended by staff and the Utah County Planning Commission, with the acreage variance as defined.

Because there was lack of a second, Commissioner Ellertson briefly suspended Robert’s Rules of Order for the purpose of seconding this motion.

The motion was seconded by Commissioner Ellertson, and discussion continued.

Commissioner Lee stated that it is unfortunate Utah County is taking a step backwards in protecting agriculture, and Commissioner Ellertson responded he is sorry that Commissioner Lee sees it that way.

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The motion carried with the following vote:

AYE: Larry A. Ellertson
Greg Graves
NAY: William C. Lee

AGREEMENT NO. 2015-208

Regular Agenda Item No. 3: Kenyon Farley Agriculture Protection Area 2 Application -

Commissioner Graves made the motion to *modify and approve* the Kenyon Farley Agriculture Protection Area 2 application, *approving* the proposed modifications of additional neighboring properties subject to a restrictive covenant addressing the requested exemptions for Payson City and Utah County to be signed by Wednesday April 15, 2015 at 5:00 P.M.; otherwise, without said restrictive covenant, the approval of the application will revert to *approving* the proposed modifications of additional neighboring properties and approving the requested exemptions from Payson City and Utah County as recommended by staff and the Utah County Planning Commission, with the acreage variance as defined.

Because there was lack of a second, Commissioner Ellertson briefly suspended Robert's Rules of Order for the purpose of seconding this motion.

The motion was seconded by Commissioner Ellertson and carried with the following vote:

AYE: Larry A. Ellertson
Greg Graves
NAY: William C. Lee

AGREEMENT NO. 2015-209

Regular Agenda Item No. 4: Notice of Creation for Kenyon Farley Agriculture Protection Area 1 Application -

Commissioner Graves made the motion to authorize the 'Notice of Creation' document and the 'Findings of Fact' document for the Kenyon Farley Agriculture Protection Area 1 application with the understanding that said documents are dependent upon resulting actions from Regular Agenda Item Nos. 2 and 3.

Because there was lack of a second, Commissioner Ellertson briefly suspended Robert's Rules of Order for the purpose of seconding this motion.

The motion was seconded by Commissioner Ellertson and carried with the following vote:

AYE: Larry A. Ellertson
Greg Graves
NAY: William C. Lee

AGREEMENT NO. 2015-210

Regular Agenda Item No. 5: Notice of Creation for Kenyon Farley Agriculture Protection Area 2 Application -

Commissioner Graves made the motion to authorize the 'Notice of Creation' document and the 'Findings of Fact' document for the Kenyon Farley Agriculture Protection Area 2 application with the understanding that said documents are dependent upon resulting actions from Regular Agenda Item Nos. 2 and 3.

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Because there was lack of a second, Commissioner Ellertson briefly suspended Robert's Rules of Order for the purpose of seconding this motion.

The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Larry A. Ellertson
Greg Graves
NAY: William C. Lee**

AGREEMENT NO. 2015-211

The commissioners moved forward with the remaining agenda items as numbered.

12. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT FOR THE SQUARROSE CWMA (COOPERATIVE WEED MANAGEMENT AREA) GRANT IN THE AMOUNT OF \$4,900.00 FOR WEED CONTROL

Utah County Public Works Director Richard Nielson came forward to explain that the CWMA (Cooperative Weed Management Area) spans through Juab, Utah, and Tooele Counties; certain contracts have Utah County serving as the fiscal agent, while others defer to one of the other counties. In this case, Utah County will be billing Tooele County. Commissioner Lee asked for further clarification on the dollar amounts, and the Mr. Nielson suggested continuing discussion for one week until those questions could be answered.

Commissioner Graves made the motion to continue Regular Agenda Item No. 12 regarding an agreement for the Squarrose CWMA (Cooperative Weed Management Area) Grant for one week to the Consent Agenda of the April 21, 2015 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Lee and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None**

CONTINUED TO APRIL 21, 2015*

The commissioners initially voted this item be continued one week to the April 21, 2015 meeting of the Board, but later returned to discussion and a second vote after setting closed meetings (*Page ---*).

*Please refer to the final page of these minutes for additional notations.

15. SECOND UPDATE ON VOCA GRANT FUNDING BY VICTIM WITNESS COORDINATOR CHRIS BUCKLEY AS PER THE GRANT REGULATIONS

Chris Buckley of the Utah County Attorney's Office summarized that the State of Utah awards an annual VOCA (Victim of Crime Act) grant which covers a portion of the salaries for Victim Witness Coordinators in the office. This year, her office is requesting approximately \$40,000; one of the requirements to receive the grant instructs Ms. Buckley to provide program updates to the commissioners bi-annually. Ms. Buckley noted all goals except one for this quarter have been met or surpassed, and she anticipates accomplishment of the final goal by the end of the fourth quarter. Ms. Buckley mentioned meeting with 350 new victims in the last three months.

At this point, the commissioners determined which closed meetings would be necessary to set and which could be stricken from the Regular Agenda.

21. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS COMMERCIAL INFORMATION AS DEFINED IN SECTION 59-1-404, U.C.A., AS AMENDED

Commissioner Lee made the motion to strike Regular Agenda Item No. 21 to set a date, time, and location for a closed meeting to discuss commercial information as defined in Section 59-1-404, U.C.A., as amended. The motion was seconded by Commissioner Graves and carried with the following vote:

AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None

STRICKEN

17. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL OR INDIVIDUALS

Commissioner Graves made the motion to set a date, time and location for a closed meeting for a strategy session to discuss the character, professional competence, or physical or mental health of an individual or individuals to immediately follow the Work Session portion of the regular public meeting today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Lee and carried with the following vote:

AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None

SET

20. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE SALE OF REAL PROPERTY

Commissioner Graves made the motion to strike Regular Agenda Item No. 20 to set a date, time, and location for a closed meeting for a strategy session to discuss the sale of real property. The motion was seconded by Commissioner Lee and carried with the following vote:

AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None

STRICKEN

19. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY

Commissioner Graves made the motion to set a date, time and location for a closed meeting for a strategy session to discuss the purchase, exchange, or lease of real property to immediately follow the previously scheduled closed meeting today in Room 1400 of the County Administration Building.

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The motion was seconded by Commissioner Lee and carried with the following vote:

AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None

SET

Further action regarding Regular Agenda Item No. 19 took place in between closed sessions, and the Board voted to continue discussion to April 15, 2015 (*Page ---*).

*Please refer to the final page of these minutes for additional notations.

18. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION

Commissioner Graves made the motion to set a date, time and location for a closed meeting for a strategy session to discuss pending or reasonably imminent litigation to immediately follow the previously scheduled closed meetings today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Lee and carried with the following vote:

AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None

SET

Though previously addressed during this meeting, the Board returned to discussion of Regular Agenda Item No. 12 at the request of Utah County Public Works Director Richard Nielson.

REGULAR AGENDA

12. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT FOR THE SQUARROSE CWMA (COOPERATIVE WEED MANAGEMENT AREA) GRANT IN THE AMOUNT OF \$4,900.00 FOR WEED CONTROL

Utah County Public Works Director Richard Nielson clarified that the initial grant application requested \$5,000, but the actual award was instead \$4,900.

Commissioner Graves made the motion to approve and authorize an agreement for the Squarrose CWMA (Cooperative Weed Management Area) Grant in the amount of \$4,900.00. The motion was seconded by Commissioner Lee and carried with the following vote:

AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None

AGREEMENT NO. 2015-212

*Please refer to the final page of these minutes for additional notations.

WORK SESSION

NO WORK SESSION ITEMS WERE SUBMITTED

This concluded discussion of all scheduled agenda items, and the meeting recessed at 10:57 A.M. to go into closed sessions. The public meeting reconvened at 11:20 A.M., and the commissioners requested Regular Agenda Item No. 19 be re-opened for discussion. Commissioner Ellertson also excused himself at this time, and Commissioner Lee noted that Robert's Rules of Order would be waived for the purpose of making motions.

REGULAR AGENDA

19. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY

Commissioner Graves made the motion to set a date, time and location for a closed meeting for a strategy session to discuss the purchase, exchange, or lease of real property of Wednesday, April 15, 2015 at 4:00 P.M. in Room 2300 of the County Administration Building. The motion was seconded by Commissioner Lee and carried with the following vote:

**AYE: William C. Lee
Greg Graves
NAY: None**

SET

*Please refer to the final page of these minutes for additional notations.

The Board recessed a second time at 11:21 A.M., and the public meeting reconvened again at 11:52 A.M.

Commissioner Graves made the motion to adjourn the April 14, 2015 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Lee and carried with the following vote:

**AYE: William C. Lee
Greg Graves
NAY: None**

There being no further business nor public comment, the meeting adjourned at 11:52 A.M. The minutes of the April 14, 2015 Commission meeting were approved as transcribed on May 12, 2015.

LARRY A. ELLERTSON, Commission Chair

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ATTEST:

BRYAN E. THOMPSON
Utah County Clerk/Auditor

***Regular Agenda Item No. 12:**

After initially choosing to continue Regular Agenda Item No. 12 for one week, the commissioners returned the item to the table immediately preceding closed meetings; it was approved by unanimous vote.

***Regular Agenda Item No. 19:**

In between closed sessions, the commissioners set an additional closed meeting for a strategy session to discuss the purchase, exchange, or lease of real property to be held April 15, 2015 at 4:00 P.M. in Room 2300 of the County Administration Building.